Secrt. II-27—45,000—15-11-35.

Development (1939) Department.

Ms SERIES.

G.O. No. 737

DATED 25 3 1939

[Despatch Abstract.]

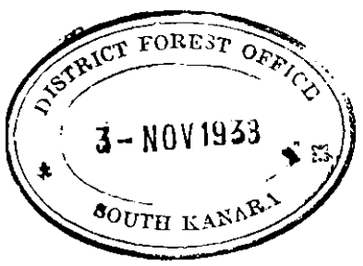
Forests -

Memorial - M. Manjava - ex-Forest Guard -

South Kanara Division - rejected.

Madras 12

2947/38c1 1



To

The Government of Madras,
(In the ministry of the Development Department)
Fort St. George,
MADRAS

Humble memorial of M. Manjaya, Ex-Forest guard, Golihole Beat, Coondapoor Range, now residing in Durga Village, Karkal Taluk, South Kanara District.

3.11.38 V

Dated 28th October 1938.

Most humbly Sheweth

The memorialist named above being highly aggrieved by the order No. 5792/38 dated 21-7-38 passed by the Chief Conservator of Forests on the memorialist's appeal, disallowing it on the ground that no appeal lay, begs leave to approach the Government in the earnest hope of obtaining due merciful redress.

Not recd.

2. The memorialist's case is that he has been victimised in that the District Forest Officer,--- Mangalore North, framing certain queer and serious charges on hearsay evidence against him dispensed with his services.

3. Of the two charges framed against him, the first was that the memorialist made an unauthorise collection of grazing fees Rs. 3/6/- and misappropriated it. It was that while on 24-9-36 the memorialist was attending to the road work in Hulimeshe-

pp 55-58 67 (V)

2

-para Reserve, the Range Officer is said to have visited the Golihole Beat and found nine head of cattle grazing without permit. On being question-
p 47-48 (R) -ed the graziers Chenna and Machi were said to have told the Range Officer that no permits were recei--ved though payment of grazing fee had been made to the memorialist. Whereupon the Range Officer --- deputed guard Babaya Nairi and grazier Chenna to enquire of the memorialist regarding the truth of the graziers' allegation to the Range Officer and let off the cattle and the graziers instead of --- impounding the cattle and prosecuting the graziers or owners and without caring for the result of the --- enquiry. The memorialist naturally denied know-ledge of the affair. All this took place on --- 24-9-36. The grazing fee collection was the busi ness of the Forester who issued permits on 28-9-36 to the owners of the same cattle, Nagappa and --- Govinda coolies working under the Forester. The matter ended there and nothing of this tragedy wa known till the lapse of a month. Suddenly on
pp 11-23 D.F.O. (V) 26-10-36 the Range Officer began enquiry in to th matter at Coondapoor by summoning the persons con--cerned. The Range Officer recorded their state-ments. Not a single witness including the gra-ziers spoke to the payment of the grazing fees to the memorialist. The Forester Narayan Naik who
pp 12-15 (V) issued permits on 28-9-36, contrived a story to the effect that at a chance meeting with one K. Marla, a native of his place, Baindoor, he ---- heard from Marla that the amount had been entrusted to him by the memorialist two days pre--viously with instructions to take it to him (the forester) as being the grazing fee. The foreste

further stated that as he had some confusion ---

regarding the names of those who required the permits he had to correspond with the Range Officer and that he had thus to defer issue of permits till 1-10-36, whereas in fact the forester had issued the permits on 28-9-36. This statement of the Forester was a malicious untruth, and was evolved later to contribute towards the memorialist's guilt. If what was stated by the Forester did happen, the Forester should have cleared the doubt with a written application from the said Marla, who was a stranger to the memorialist. Marla was neither summoned nor examined during the enquiry. He was only examined 4 months later on 10-1-37. This indicates that Marla was with much persuasion brought into the field to substantiate the version of the Forester. It is also a wonder that the Forester did not question the memorialist at all about the said Marla's story.

Of the other witnesses viz. guard Babaya Nairi and the contractor Meera Sahib, who had escorted the Range Officer to the scene of offence on 24-9-36, were examined by the Range Officer and their statements do not tend to inculpate the memorialist in the least.

Witnesses Chenna and Kachi, the graziers, in their statements entirely denied any payment made to the memorialist. It has to be remembered that the permits were issued in the names of the owners of cattle, Nagappa and Govinda by the Forester.

It is to be noted that the permit holders the said Nagappa and Govinda, whose evidence was most important, were neither summoned nor examined.

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Seeing that from the enquiry thus held, there was no case at all against the memorialist the District Forest Officer chose to remark that the graziers might have been gained over by the memorialist as they were said to have orally stated before the Ranger about the alleged payment of the fees to the memorialist.

All the same, the District Forester Officer overlooked all the evidence on record, and thought that the Range Officer's word was alone worthy of credit and praise; and that word was that the graziers had expressed to him verbally about the payment made to the memorialist. This uncorro-barated verbal statement which was in fact never uttered, was sufficient in the opinion of the District Forest Officer to crush a subordinate who was stinking in the nostrils of his superior the Range Officer.

This charge was thus a fictitious one. It is not known how in the circumstances stated above the charge of collection of grazing fee and tempo-rary misappropriation, could be brought home to him.

The Range Officer, on noticing the cattle illicitly grazing, ought to have immediately imp-ounded the cattle and prosecuted the graziers. He let them off without even obtaining a statement from the graziers or others then present.

The Range Officer knowing where the memorialist was working, ought to have called and examined him about the happening. Instead, he sent guard Babaya Nairi to the memorialist who was only a few furlongs away, to ascertain about ------

the affair. Nor did the Range Officer ever question the memorialist about the affair. It was only a month after the incident severe storm was seen gathering above his head. Enquiry was commenced on 26-10-36 and in spite of not an atom evidence against him, he was hauled up. So far for the Ist Charge.

4. The 2nd charge, viz. falsification of record in writing false entries in his weekly diary regard the progress of road work, is like-wise false.

The charge referred to the road work entered in the diary for the week ending 19-9-36 as having been done up to 1 mile 6 furlongs. The Range Officer found on inspection on 24-9-36 that coolies had --- been working on the 3rd and 4th furlongs.

The memorialist explained that the work had actually reached the limit but that on the date of the Range Officer's visit the coolies were mending and repairing the road work damaged by the previous night's heavy rains. The Range Officer did not take the trouble of passing along the road till the 6th furlong. This matter was next dropped and the diary was filed in the office on 1-11-36. So,---- no further action was called for, nor contemplated.

With regard to the remark that no progress in the work was shown in the subsequent week ending 26-9-36, it was represented that the road work had previously been finished and so no progress could be shown, and that only the mending of the road whenever damaged, used to be attended to. This--- explanation was likewise found convincing and this diary was also filed by the Range Officer on 1-11-36. Such being the case, how this charge happened to crop up is not imaginable.

At any rate this charge was ushered in, in order to aggravate the 1st one; but both the charges fall to the ground, as explained above.

5. The memorialist begs to affirm that he was quite innocent of both the charges and yet he was doomed, on the bare report of the Range Officer and not on the evidence on record. It is generally the case that when a subordinate incurs the wrath of his superior, the subordinate is being sacked by means of Departmenal enquiry and punishment. The memorialist is one of such victims.

6. The memorialist humbly prays that on a kind consideration of the above circumstances and on calling for the connected papers, the Government may be graciously pleased to set aside the order of dismissal and order his reinstatement. He may be permitted to add that his record of more than 15 years' service in the Forest Department has been without any tarnish but on this first occassion of his alleged misdemenour ~~which~~ he has been visited with the highest punishment that can be given ---- departmentally and thus blasting his future prospects and rendering him a beggar after a long ---- service.

7. The memorialist's appeal to the Chief Conservator of Forests returned by the said officer with his order No.5297/38 dated 21-7-38 is herewith --- submitted and it is believed that a kind perusal thereof along with this memorial will convince the Government that the memorialist has been dealt with ~~intoy~~ mercilessly and out of all proportion to the nature of the charges which were alleged to be proved in the opinion of the District Forest -----

Officer but which were after all based on the heresay and flimsy evidence put forward by the Forest Range Officer, Coondapoor Range, by suppressing the true state of affairs.

8. This memorial has been submitted through the proper channel i.e. the District Forest ----- Officer, South Kanara District, as was done in the previous appeals, under instructions of the appellate authorities.

M. Manjaya.

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D2/ 4110

4110

To

The Chief Conservator of Forests,

M a d r a s.

Appeal petition of M. Manjaya,
Ex-Forest Guard, Golihole beat,
Coondapoor Range, now residing in
Durga village, Karkal post,
Dated, 30th April 1938.

(1) Being aggrieved by the order of the Conservator of Forests, Ootacamund Circle, Ref.Al-543/38 dated 13-2-'38, passed on his appeal against the order of the District Forest Officer, Mangalore North, Ref.Al-2439-F36 dated 13-4-1937, the Petitioner begs to approach your Honour with this appeal for redress. The Conservator's order is enclosed.

Flag (1)

2. I Charge: The Petitioner, while on duty in the aforesaid Golihole beat was found fault with as having collected Rs.3-6-0 as grazing fees from --- certain persons and made temporary misappropriation of the amount and permitted the illicit grazing to continue, till it was detected by the Forest Range Officer, Coondapoor, on 24-9-36. On this presumption and some other alleged minor irregularities he was sacked by the District Forest Officer by way of dismissal, and in appeal he fared no better, due to the fact that it was not gone into by the appellate --- authority, who simply acquised in the District Forest Officer's order and summarily dismissed the appeal. Hence he is compelled to submit this appeal, earnestly hoping that his case would receive due attention, and he be acquitted of the imaginary charges and restored

M. Manjaya

to his post.

3. Out of the three charges hurled against him, the first charge is a serious one and will be touched upon first.

4. I Charge:- The charge is that on 24-9-36, when the Petitioner was engaged in road work in Hulimishe-pare Reserve, the Range Officer happened to visit the Reserve along with Forest Guard Babaya Nairi and --- Contractor N. Meera Saheb, and it was alleged that some 9 head of cattle were found grazing in the Reserv without permits and that, when the Range Officer asked for permits, the graziers Chenna and Machi were said to have replied that they did not receive the permits for which payment was made to the Petitioner. Immediately then, the aforesaid Forest Guard Babaya Nairi was deputed by the Range Officer along with Grazier Chenna to where the Petitioner was attending road work for verification of the alleged verbal statements of the graziers. But strange to say, before the result of the mission could be known, the cattle were not impounded but were allowed to be taken away and no immediate action as regards the illicit grazing was taken, as the rules required. Subsequently, on --- 26-10-36, that is after the lapse of over a month of the incidents, enquiry was set on foot by the Range Officer, and he began to examine at Coondapoor the two men who were said to have accompanied him at the previous happening, as well as graziers Chenna and Machi, as also Forest-er Narayana Naik who seems to have received the grazing amount subsequent to the detection of the illicit grazing. In the course of the --- enquiry, it was disclosed that no cash payment was --

M. Manjaya

made to the Petitioner by the graziers or by anybody else on their behalf, as was clear from the recorded evidence of the graziers, and guard Babaya Nairi. Besides, the discrepancies in the statements of others also were glaring ones as explained below. Yet the District Forest Officer gave undue prominance to the Range Officer's biased report in spite of the Petitioner's adequate explanation and the clear evidence of the prosecution witnesses tending to the innocence of the petitioner and the Petitioner was sacrificed. Petitioner is thus seriously injured.

4. In order to convince your Honour about the innocence of the Petitioner and the frivolous nature of the charges attributed to him, he feels it necessary to state the history of the case in some detail specially with regard to this first charge.

5. (a) The Range Officer, when he found the -- cattle grazing in the Reserve without permits, should have taken the necessary steps at once against the -- graziers, apart from the question whether grazing fees had been paid to the Petitioner as alleged or not. In no case could the cattle or the owners or graziers be let off.

(b) If the Range Officer had the slightest suspicion about the Petitioner's male fides, the Petitioner was within a few furlongs from the scene of -- offence and Petitioner could have been called and personally examined or made to explain his conduct immediately. The graziers also should have been examined and their statements as also those of witnesses should have been recorded on the spot. But no such prompt --

M. Manjagee

steps were taken in the matter of illicit grazing or in the alleged collection of grazing fees, as required by the rules.

(c) The Range Officer abruptly raked up the case long after the incident, which indicates that the Range Officer got up the case out of grudge or malice towards the Petitioner.

(d) The case was solely based on the evidence of the following persons who are mostly the Range Officer's confidants and subordinates and not the disinterested -- witnesses as observed by the District Forest Officer.

(i) Forest Guard Babaya Nairi is his own subordinate. His version was taken to suit the wishes of the Range Officer who considered only the portion of the recorded statement unfavourable to the Petitioner but entirely ignored that which absolved the Petitioner from the guilt. More reliance was placed on his alleged verbal statement. Petitioner never said that he had received payment of grazing fees and it was clearly -- brought out in the guard's recorded statement. It was also brought out in the statements of the graziers and Forest Guard Babaya Nairi, that the Petitioner did not receive any grazing revenue from the owners of the --- cattle. It is publicly known and tomtomed that collection of grazing fee ought to be the concern of the Forester at specified stations and on specified days. No Guard could, under any circumstances, receive such fee. It is impossible even to guess that a Guard would dare to collect such amount, or that the cattle owners would choose to pay to the Guard. There is no instance in which the Petitioner collected grazing fees in his 15 years' service. In such circumstances how the ----

M. Manjaya

Petitioner a long standing guard who knows the consequences of any such collection, would stoop to such vile game, is not imaginable.

(ii) Contractor Nakwa Meera Saheb is the -- Range Officer's creature and in a way his obligant -- being a coupe Contractor. His statement has no force or semblance of truth. He wanted however to please the Range Officer.

(iii) Forester Narayana Naik is the authorised person to collect grazing fees. He is the Range ---- Officer's subordinate. He said that one K. Marla -- a man of his own place Byndoor - brought to his house and handed over Rs.3-6-0 in his absence, and that he met him on 28-9-36 and was told that he was deputed by the Petitioner for getting grazing permits. He further said that according to the Range Officer's message there was some confusion about the owners of cattle and that after clearing the doubt, he issued on 1-10-36 the two permits as required.

The above statement cannot be correct. The permits were actually issued by him on 28-9-36. He also admits that the money was brought to his house a few days previous to the issue of permits. In fact the money must have been sent to him for issue of --- permits on 24-9-36 by the owners of cattle namely Nagappa and Govinda who were the ~~coolies~~ coolies working in the road work and who received their wages on the very day and that the cattle were let into the Reserve that day only in the hope of getting the permits in the course of the day.

When the Forester learnt from K. Marla

M. Manjuga

that the money was sent by the Petitioner, he should have immediately sent for the Petitioner and taken a statement from him as to why he made the unauthorised collection of grazing fees and should have made other necessary enquiries also and should have submitted a report to the Range Officer about the enquiry made by him. But he did not do so. His omission to do so shows that the Forester was convinced that the Petitioner had no hand in the despatch of the money to him or that the Forester failed in the discharge this important and prompt duty of arriving at the truth of Petitioner's guilt or innocence.

(iv) Chenna and Machi are the graziers. They were quite illiterate coolies under Nagappa and Govinda who were road workers under the Forester and naturally might have thought that the payments might have been undertaken or made by their masters and said so. But unfortunately for the Petitioner, the Range Officer construed it to mean that the Petitioner had received the money and chose to entrap the Petitioner by starting proceedings against him, and that too only after the lapse of a month.

The District Forest Officer's impression or assumption that the graziers retracted from their oral statement through the petitioner's influence is a conjecture and is quite wrong. Petitioner was a petty officer and it was impossible that he could influence these people, when his superior officers and others of their obligation were bent upon fixing some blame on him. The District Forest Officer's assumption that Petitioner gained over the graziers is contradicted by witness Guard Babaya Nairi, whose statement corroborates

M. Manjeya

the written statements of the graziers regarding non-payment of the fees to the Petitioner and of the intention of the actual owners of cattle to purchase permits by adjustment of their wages. So the District Forest Officer's assumption falls to the ground. Otherwise the District Forest Officer ought to have considered that the said Guard had also been gained over.

(v) Witness K. Marla is the man who is said to have taken the grazing revenue to the Forester from the Petitioner. It is really curious that while the abovesaid persons were summoned and examined, K. Marla, was not summoned. Besides, the Range Officer was not certain whether he would yield to his instructions. It was only after 4 months (on 10-1-1937) that he was --- examined to suit the wishes of the Range Officer. It took such a long time to persuade him to say, as the Range Officer wished, that the amount was taken to the Forester from the Petitioner.

He is a mere cooly and a neighbour of the Forester and could not but yield to the Forester. Anyhow his evidence is worthless because it is uncorroborated. He says that there were 2 or 3 persons present when the Petitioner delivered the money but he says tha he now cannot remember the name of any of them.

(vi) It is also to be remembered that the permits were issued to the cattle owners Nagappa and ---- Govinda. They were never examined. They were importan witnesses, because they were the persons who got the permits and they were also the proper persons to speak to the manner of payment, time of payment, the actual date of entry of their cattle into the Reserve and --- similar other points relevant to the case. Instead of

M. Manjaya

examining these witnesses for the prosecution some extraneous and adventetious and far fetched circumstances have been linked up and formed into a chain to be tied round the neck of the Petitioner.

(vii) It may be a point for argument that petitioner had no defence to offer. Petitioner submits that the prosecution evidence itself was enough to prove his innocence and he had therefore no necessity to bring in his defence. If he had the slightest hint that District Forest Officer was not convinced of his innocence, he would have certainly produced his defence

(viii) From what is represented above, there is not the least evidence to attach any stigma to the Petitioner's character. The evidence is not only discrepant throughout, but stands uncorroborated. The District Forest Officer's assumption that the case is proved by independent evidence is unfounded. There is no impartial evidence adduced nor was it corroborative. The witnesses examined were in some way or other interested and dependent on the good graces of the Range Officer or the Forester. And yet the District Forest Officer ignores such partiality and decides the case not on its merits but on the presumption drawn from Range Officer's one sided report. The petitioner also begs to state that the whole edifice has been built on the alleged verbal statements given by the graziers and others on the day on which the cattle were found grazing, and not on the evidence recorded subsequently.

(ix) Petitioner begs to reiterate the melancholy incident that great significance has been attached by the District Forest Officer to the alleged non-existent verbal statements of the graziers said to have been

M. Manjappa

made before the Range Officer and such garbled version has prevailed over the recorded statements to the contrary resulting in the dismissal of the Petitioner and the punishment of fine of the graziers. This sort of procedure is a novel feature in the annals of administration either judicial or departmental where only examination in chief of prosecution witnesses is the sole evidence to be relied on.

6. The petitioner submits that from the facts stated above, it will be seen that he is quite innocent of the first charge brought against him.

7. The II Charge:- This charge, namely, the falsification of record by writing false entries in his weekly diary regarding the progress of work he made, is, Petitioner makes bold to say, unfounded if not malicious. Falsification of record is a very serious charge, if one should make or attempt to make. It cannot be made without motive. What motive Petitioner could have in indulging in such fabrication is not known. In his diary for week ending 19-9-36, he noted the road work as having extended up to 1 mile and 6 furlongs. At the time of the Range Officer's inspection of 24-9-36, the Range Officer saw coolies working on the 3rd and 4th furlongs, and returned probably with the impression that the work had then been confined to that much distance. The work had actually extended to the 6th furlong on -- 19-9-36 and it was so noted in the diary. The mere incident of the Range Officer's seeing the coolies working on the 3rd and 4th furlongs at his inspection, probably gave rise to the assumption that the road-work had proceeded only so far. In fact the work had reached the point as entered in his diary, and, as the

M. Manjappa

road had been damaged on the night previous to Range Officer's inspection, by heavy rains all along here and there by way of pits, depressions, uneven levels &c., coolies had been redoing what had been done, and this latter work had reached the 3rd and 4th furlongs only and the similar redoing was next continued. This fact would have been clear if the Range Officer had taken the trouble of walking over the road till the 6th furlong. The Range Officer however thought it necessary to obtain the Petitioner's explanation regarding the alleged short work on 26-9-36 and it was explained immediately as represented above. The Range Officer was convinced and the paper (diary for week ending 19-9-36) was filed on 1-11-36. In the subsequent weekly diary for week ending 26-9-36, no further progress was shown, because, all that interval, the work of mending the rainwashed bits on the 1 mile and 6th furlong road already constructed, was undertaken up to the 6th furlong. There was thus no falsification of record at all. The diary for week ending 26-9-36 was also, after scrutiny filed by the Range Officer on 1-11-36. Petitioner acted throughout straight forwardly and no blame could be attached to him. Besides, the motive for fabrification was absent. Because the entry in the diary of any excess of the handled portion would be of no consequence to him. The measurement of the road work done, the muster roll and payment of wages on the quantity of work done, are all matters which -- concern the Forester. The Petitioner is neither a gainer nor a loser by entering even the unworked portion. Such being the case, the charge of fabrication of record cannot hold water. Petitioner considers that this unnecessary charge was added to the list of charges, simply to have it said that he was guilty.

M. Manjaya

The District Forest Officer takes into consideration the high character of the Range Officer as if he were beyond any criticism and remarks that the Range Officer could have no motive in twisting or altering the complexion of the case, as the Range Officer is not the man of such type. This sort of comment which has no -- bearing to the case has been let in and acted upon by the District Forest Officer, without giving thoughts to the merits or demerits of the case.

The petitioner therefore submits that this charge is thus a biased one.

8. The last charge having been dropped by the District Forest Officer as being of no importance, the Petitioner refrains from commenting on it. He has however given his explanation in refutation of this charge in his appeal to the Conservator.

9. Petitioner submits that he believes that he has made his position clear. He is quite innocent of any of the charges and the punishment meted out to him i unjustifiable. It is for Your Honour to judge if a --- Forest Guard of 16 years standing would be so callous and act in a way to endanger his position for the sake of a petty sum of Rs.3-6-0 which forms the subject of the first and the most serious charge against him. The post of Guard is his sole livelihood and his removal from post at this stage of his career has worked untold hardship and misery,for no fault of his.

10. Petitioner prays that, on a kind consideration of the above circumstances, Your Honour may be pleased to cancel the Lower Courts' orders and order

M. Manjeya

his reinstatement.

For which act of justice he shall ever be grateful.

M. Manjarrez

Petitioner.

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N.D. A110/38 5.38

Returned to the Senders.

2 All communications addressed to this office should be addressed through the Ranger, Cotacamund Circle in which circle he was last working

for Chief Conservator

W.S 88

1/38

OFFICE OF THE CONSERVATOR OF
25 MAY 1933
OOTACAMUND

The Petitioner. 11 MAY 1938

1-1449/38 Submitted to the Conservator of Forests, Cotacamund circle.

M. Manjayya

23.5.1938. Petitioner

M-1449/38 N. Dis M. 165/38

Returned for submission thro' the proper channel ie the D.Fo. Mangalore North

9.6.38

Submitted to the District Forest Officer, Mangalore North.

6.6.1938.

M. Manjayya
Petitioner

18.5.38
Conservator of Forests
Ootacamund circle

24/5/38

21

C.F. 30.

Forest DEPARTMENT.

Received 20 JAN 1939 19 Registered Dev 2005 I 19
20-1-39

Subject.

Memorial--M.Manjaya - Ex.Forest Guard, South Kanara Division.

ENCLOSURES.
No.
Spare copies

Refce. No. 11013/38-D2

Station Chepauk, Madras, Dated the 18th January 1939

From (Name) C.C.Wilson Esq., I.F.S.,

(Designation) Chief Conservator of Forests.

To The Secretary to the Government of Madras,

DEVELOPMENT Department.

Sir,

Ref:-Memorial from Manjaya dated the 28th October 1938.

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Submitted to Government.

2. The memorialist was a Forest Guard in the South Kanara Division and his services were dispensed with for temporary misappropriation of Government money and writing a false diary.

3. His first appeal to the Conservator of Forests,

Ootacamund Circle and a further one to the Chief Conservator of Forests were both rejected.

3. The memorial contains no new facts and it may be rejected.

4. The connected records are submitted.

19.1.39

for Chief Conservator of Forests, Madras.

Encs:-Memorial, its enclosures and connected records.* — pp 1-30 ~~

*List of records.

1.S.Kanara Dt.Forest Officer's file D.Dis.No.2439/1936 Flagged (V)

2.Muster roll Voucher No.71/September 1936 .. .. (I)

3. -do- -do-60/- -do- .. (Q)

4.Diaries of the appellant for weeks ending 12-12-1936 and 19-12-1936. .. .. (Y)

5.Rainfall statement. Two leaves. .. .. (F)

6.Records of O.R.No.124/1936-37 of Coondapur Range - 14 pages (U)

7.Diaries of Range Officer, Coondapur for weeks ending 12-9-1936 and 26-9-1936. .. (S)

8. Personal file of the appellant in 2 volumes. .. (M)

9. Service roll of the appellant. .. (N)

10. Conservator's L.Dis.No.123/1938. — . - (R)

~~11. Conservator's L.Dis. 123/38.~~

DKS/19.1.

19.1.39

Dev. Dept. 50/614

23

Dev. Dept

Letter No 2005 I/39-1 D 6-2-39

Dsp with encl. 8/6.2.39

To The Secy.
M.P.S.C.

Subject Memorial - M. Manjaya
ex Forest Guard - South Kanara Dn.

Sir,

I am to forward herewith the memorial referred to above against the orders of the D.F.O. of the old Mangalore North Division dispensing with the services of the memorialist, together with the report of the C.C.F. thereon & the connected records and to request that the M.P.S.C. will be so good as to favour this Govt. with their opinion as to the orders to be passed on the memorial.

I have etc.

8/3.2.39. 5-2-39.

8/4/2/39

PP 1-7 c/

P.P 87-90 c/ (V)

PP 21-22 c/

Dpd. by Van / Post / Messenger with encls.
Date 8/2/39.

Sig'd records
Memorial with its encl. PP 1-20 c/
- Copy of C.C.'s letter PP. 21-22 c/.

H.E. Sig'd at P. 22 c/.

Public 24

Confidential.

C.F. 30.

DEPARTMENT.

Received ..... 19 *Registered* Dev 7568 I 19
14.3.39

Subject.

Memorial - Manjayya, M. - Ex-Forest Guard, South Kanara Division - Against removal from service -

14/3/39.

ENCLOSURES.
No. .....
.....
Spare copies .....

No. 199-C/39.

Station Madras, *Dated the* 11th March 19 39.

From (Name) Sri Rao Bahadur C.P. Karunakara Menon,
(Designation) Secretary, Public Service Commission, Madras,

To The Secretary to the Government of Madras,
Development Department.

Sir,

P 23-3-39

Mr. Paul's letter No.2005-I/39-1, dated 6-2-1939.

The procedure laid down in Rule 55 of the Civil Services (Classification, Control and Appeal) Rules was followed before the memorialist was removed from service.

2. The Commission considers that the first two charges which were proved are serious and that the order of removal is justified. It advises that the memorial deserves no

consideration.

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-2-

consideration and be rejected.

3. The records are returned.

Vide W/Ld

I have the honour to be.

Sir,

Your most obedient servant,

11.3.39

Secretary.

P.11.3.

List of records.

1. Memorial with its enclosures. — pp 1-20 wpra
2. South Kanara District Forest Officer's file D.Dis. No.2439/1936. (V)
3. Muster roll Voucher No.71/September 1936. (I)
4. -do- 60/ -do- (Q)
5. Diaries of the Guard for weeks ending 12-12-1936 and 19-12-1936. (Y)
6. Rainfall statement. Two leaves. (F)
7. Records of O.R. No.124/1936-37 of Coondapur Range - 14 pages. (O)
8. Diaries of Range Officer, Coondapur for weeks ending 12-9-1936 and 26-9-1936. (S)
9. Personal file of the Guard in 2 volumes. (M)
10. Service roll of the Memorialist. (N)
11. Conservator's L. Dis. No.123/1938. (R)

Secy PD 15/3/39 To

Dev 7725I
16.3.39

The Government of Madras.

(In the Ministry of the Development Department.)

Fort St. George. Madras.

Humble petition of M.Manjaya, Ex. Forest Guard, Golihole Beat, Coondapoor Range, now residing in Durga village, Karkal Taluk, South Kanara District.

Dated 10-3-1939.

Most respectfully Sheweth

PD 1-7 Mar 39

That petitioner had submitted his memorial dated 28-10-38 against the order of the chief Conservator of Forests No. 5792/38 dated 21-7-38, disallowing his appeal made for relief through the District Forest Officer, Mangalore North. As the said memorial has not elicited any response yet, the petitioner has been compelled to seek early orders thereon.

2. That petitioner was, after the lapse of 15 years of approved service in the Forest Department, found fault with as having collected and misappropriated a sum of Rs. 3-6-0 being the grazing fee and having made an incorrect entry in the diary relating to some road work in the first part of the year 1936 and in spite of his satisfactory explanation, was awarded the highest punishment by way of dispensing with his services by the District Forest Officer at the instance of the Range Officer who was hostile to the petitioner, a fact that can be gathered by a perusal of the fatal order passed by the District Forest Officer.

3. That the petitioner was thus ousted from service in the early part of the year 1937 and his representations made to the authorities concerned, by way of appeals about his innocence, had not the least effect and the petitioner as a last resort, approached the benign Government for relief, and for the past 4 months he has been anxiously waiting for some favourable orders at the hands of the Government.

4. That petitioner submits that it is now about two years Since (~~service~~) he has been out of service and it can be imagined how a

poor helpless man like him could eke out his living with a burdensome family hanging on him. The guardship was his only asset. He has nothing to fall back upon. The punishment meted out to him was undeserved and this accounts for the fact that he has been persistently agitating for a kind perusal of the connected records.

5. Petitioner prays that on a kind and sympathetic perusal of the connected papers, such orders as may be deemed fit may be passed as early as possible and he would be ever grateful.

M. Manjaya

Dev. Deptt

Cno 2005 I/39

Memorial - M. Manjappa - Ex Forest guard - South Kanara Division.

PP 1-2 cf. — ~~From~~ the memorialist dated 28-10-1938

PP 21-22 cf — Encl to C.C. F. Ref. No 11013/28-D2 dt 18-1-39

To A.S.

Please see the memorial at P.P. 1-7 cf and the C.C's forwarding remarks at P.P. 21-22 cf.

2. The memorialist was a Forest-Guard in the old Mangalore North Division and his services were dispensed with by the D.F.O Mangalore North on 30-4-1937. The following charges were framed against him

1. Memo at PP 87-90 cf (V)

(a) Unauthorised collection of grazing revenue & temporary misappropriation of the same till found out by the Range Officer

P. 55 of (V)

(b) Fabrication of record by writing false entries in his weekly diary regarding ~~the~~ non-progress of works.

(c) Neglect of duty

vide P. 90 of (V)

The D.F.O. dropped charge (c) & dispensed with the services of the memorialist on charges (a) and (b). The memorialist's appeal

to the Conservator and a further one to the C.C.F. were both rejected. Vide para 2 PP 21 22 ante

The charges are at P. 55 of (V)

The explanation of the memorialist is at P. 59 of (V)

The proceedings of the D.F.O. are at P.P. 87-90 of (V)

Appeal petition to the Conservator is at PP. 5-12 of (R)

Orders of the Conservator are at P. 29 of (R)

[The file containing the petition to the C.C.F. & the orders of the C.C. has not been received].

The Conduct registers of the memorialist are flagged (M)

Procedure

There are no defects in the procedure followed in the case; nor does the memorial contain any allegations to that effect.

It is now for orders whether the memorial will be summarily rejected or considered on its merits. In the latter case the M.P.S.C. will have to be consulted.

For orders.

RR
31-1-39

S

CA
1-2-39

28.1.39.

HM 1.2.39

HM(A & AR) The memorial has been considered on its merits. The M.P.S.C. may be consulted.

3.2.39

To A.S

A draft letter to the M.P.S.C. is submitted for approval.

X/3-2-39.

Issue
5-2-39

P 23 c/ [Issued as letter No 2005-I/39-1 Dt 6-2-39

PP 21.-25 c/ Reply from the Commission No 199-C/39 Dt 11-3-39

PP 26 27 c/ [Reminder petition from the nominator Dt 10-3-39,

To A'S

Please see the letter to the Commission at P. 23 c/. & its reply at PP 24-25. The Commission recommends that the nominee may be rejected. Five orders whether the recommendation will be accepted; if so the draft order below is for approval.

(Five days delay)

X/19.3.39.

21.3.39

22/3/39

H.M. (Ag+R.D.) 23.3.39

Issued
23/3
24/3/39

33/25

31

C.F. 16.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

Dev. Dept.

SUBJECT:— Transfer

Memorial – M. Manjaya – Ex Forest Guard – South Kanara Division – rejected.

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO*:—

No. 2005 I/39 From the Memorialist, No. --, dated 28-10-1938 pp 1-7 C)
" Endt. by the C.C.F. Ref. 11013/38-D1 18-1-39 pp 21-22 C)
" Letter to the M.P.S.C. " 2005 I/39-1 " 6-3-1939 p. 23 C)
" From the " 199-C/39 11-3-39 pp 24-25 C)
" " Memorialist " -- " 10-3-1939 pp 26-27

Order/~~Resolution~~ Ms. No. 737, dated 25-3-1939.

His Excellency the Governor declines to interfere

RL 21.3.39

R/14 338. 20.3.39.

Sec/20.3.39.

uno 22/3/

To the memorialist with copy of Commissioner's recommendation. (M. Manjappa Ex-Forest Guard Dunagere village Karkal taluka S. Kanara Dt) pp 24-25 C)

" C.C.F. with the records retd & with copy of Commissioner's recommendation.

Secy. to M.P.S.C. with C.L. pp 24-25 C)

Despatch endorsed 27/3

Giving records

H.E. Govt. at P 22 C.)